

PROCEEDINGS

of a

MILITARY COURT FOR THE

TRIAL OF WAR CRIMINALS

held at

LUNEBURG, CAMBODIA

on

SAURDAY, 17 NOVEMBER, 1945.

upon the trial of

JOSEF KRAMER

and

44 Others.

FIFTY-FOURTH DAY

Transcript of the Official

Shorthand Notes.

1.

(At 0930 hours the Court re-assembles pursuant to adjournment, the same President, Members, and Judge Advocate being present)

THE PRESIDENT: Captain Roberts, when the court adjourned yesterday we were out to hear what you have to say for the accused whom you represent.

CHIEF. ROBERTS: Yes, sir. I make this plea on behalf of Francioh. In my opening address to the court I brought out, I think, almost all of the points favourable to Francioh and I do not propose to repeat those now. There is, however, just one thing which came out in evidence of which I would like to remind you at this stage.

You will remember on the day the British arrived at Belsen, Francioh went out of the camp to help his wife to pack in order to return home, and you will remember also that he said that had he chosen at that moment to go with her he could have done quite easily. Instead, however, of going with his wife back to his home and four children, he chose to return to the camp and to continue his duties there in accordance with the truce. When you are considering his sentence I do ask you to give him credit for having returned and continued his duties.

MAJOR BROWN: In less than a year before the liberation of Belsen, the accused [redacted] was living at home with his wife and three children. He was then a man aged 52. He was in May 1944 conscripted into the German army. After a certain amount of training he eventually went to Nordhausen, and he has told you in his evidence that he was employed there in an office.

He was before this war - in fact in the last war - a sergeant, and he again received that rank during this past year. He left Nordhausen in April 1945 and arrived at Belsen on the 10th April. He was in camp No.2 for five days and during that time certain incidents happened which caused him to be brought before this court. When you consider the sentence that you are going to pass on this man, I would ask you to take into consideration his age, and the fact that he came into this business under these circumstances, and that he was only in Bergen-Belsen for five days.

He has told you that he was one of those men who could have left Belsen under the terms of the truce. The other men who have been mentioned in his evidence who came in the same party as he did to Bergen left Belsen, but this man remained there, as he says himself, because he had nothing to fear. I would ask you when considering this man's case to take those points into consideration.

CHIEF. FIELDEN: The accused Pichen is 32 years of age, a married man with four children. He is very far from being a full-blooded SS man. He was conscripted into the Wehrmacht in 1940, and became an ordinary front line infantry soldier. He has suffered the horrors and perils of the Eastern Front, where, as you know, he was wounded and is, as a result, a cripple. He did not come to Belsen until the middle of March. He then worked in the cookhouse which must have been very far from an easy job for anyone. Obviously there were continual thefts from the cookhouse. There was nothing the accused could do to relieve the hunger of these internees apart from carrying out his job, and those thefts from the cookhouse were thefts of probably what was the most precious commodity in Belsen - food. I ask you to look upon the acts which he has committed as an attempt to save food that commodity for the benefit of the others.

Stofel is 30 years old, and he is very much a full-blooded SS man. He joined the Waffen SS in 1936 and has been brought up in a concentration camp atmosphere from 1939. In this case I would remind the court that there is no personal accusation of actual killing against him.

always a good and decent girl. So, she was probably compelled by force to do it. I beg the Chief Prosecutor to let me know if the accused Ilse Forster is my daughter. With anti-facist greetings, The anxious parents".

CAPT. PHILLIPS: There are three accused on whose behalf I speak, Herta Bothe, Frieda Walter, and Irene Haschke. Bothe the time this trial opened was aged 24 and when she went to Belzen she had been in the SS for some fifteen months. The accused Walter was aged 23 and she had only been in the SS between four and five months when she went to Belzen at the beginning of this year. My last accused, Haschke, was aged 24 and she had been in the SS for between six and seven months when she went to Belzen.

These are the only particulars I have relating to each individual accused, but I have one or two points which concern the three of them generally. They all arrived at Belzen, as you know, towards the end of February of this year, at a time, I suggest, when the conditions in the camp had already begun to become bad and difficult. You have found that these three are guilty of the Belzen charge, which means, of course, that they are responsible for these conditions. But, sir, I would ask you when coming to assess the punishment which is given to them to let that punishment be in proportion to their share in that responsibility, and to bear in mind the fact that they were not there a very long time. They did not hold a big responsible position but were, in fact, small people.

I have one other point to make which is this. Each of these accused are all comparatively speaking young, all being in their early twenties, which means that they were all educated and brought up under the Nazi system, with the result we have seen and heard at Belzen. They are, therefore, to a certain extent as much the victims of that system as are those people who died and suffered at Belzen. I say this now because I will ask you when you come to consider their sentence to treat them with that in view, and also to treat them as individuals and as in no way the representatives of the German nation, all of whom I would say were equally guilty; but to dismiss from your minds, if it has ever been there, any idea of meting out to these people retribution, and merely to confine the punishment to the words of the manual: "to the actual offender and according to their share in the general responsibility".

CAPT. ROYD: I speak on behalf of Piast, Sauer, and Lisiewitz. Piast is 27 years old and she has told you that she worked in a factory in her own home town right up to the time in September 1944 when she was conscripted into the SS. She only arrived at Belzen on the 21st February.

Sauer is 39 years of age and is married. I think I should tell the court that she has not heard from her husband since January 1945, at which time he was on the Eastern Front. She also was conscripted in September 1944 and arrived in Belzen only on the 21st February.

Lisiewitz is quite young also, being only twenty-three years of age. She was also conscripted in November 1944 and she came to Belzen on the 3rd March. In addition she was ill for something like the last fortnight. They are all small people with very little responsibility.

The only other thing I should like to remind you of is the frightful condition under which they had to work. In fact, I think you have only to look at them to see the effect it has had on them physically. Mr. le Duvillain, you will probably remember, told us that conditions at the concentration camp were such that anyone coming to the camp was almost inevitably brutalised. I think Mr. le Duvillain was speaking more particularly of prisoners, but I would submit that the effect on any ordinary person coming in as an overseer must have been very much the same.

CATT. MUNRO: The first accused on whose behalf I speak is Johanne Roth, and I think her case is quite unique. She told the court she was arrested by the Germans in January 1941 for the most trivial offence, and she has been a prisoner of the Germans without any position at all for four years and two months. The position she eventually got in Belsen I suggest to the court was only that of a hut orderly. She has been under arrest in Celle and Lüneburg for seven months, and I suggest now to the court that she is, in her position, a very lonely woman who has had nothing to look forward to for the last four years. When you come to assess the sentence, I want you to disassociate Rothe from the other SS women. I would also remind the court that she remained behind in Belsen until June 16th. It was a considerable time after the liberation by British troops, and she has told the court that she stayed behind because she had a clear conscience.

The next accused is Anna Hempel, No. 44. She is yet another German woman of 45 years, married with a son. She was conscripted into the SS on the 15th May 1944. I associate myself entirely with Captain Fielden's remarks about his accused who was also working in a cookhouse. I would remind the court of what Anna Hempel said in the box. She said she worked in cookhouse No. 2 and cooked for 17,000 people. She was there alone and she said she merely did what she had to do because it was her duty to preserve food and to see that the prisoners were fed. I stand by that defence now, and say that whatever Anna Hempel did, she did it for the betterment of the prisoners.

LT. JEDRZEJOWICZ: May it please the court. Now that the verdict of guilty has been announced in respect of five of the Poles I represent, I feel I must, with your permission, emphasise some points that have already been made during this trial.

First of all, I must remind the court of what I said in my opening that all those men and women are primarily the victims of war. They have been dragged away from their homes and put for an indefinite period of time in a concentration camp. They were sent there to do hard work and eventually to die. They have held positions of some sort or another in different times and of different importance. All of them came first as prisoners and not as members of the staff trained for that purpose.

No. 21 Aurdziog has been taken away from home at the age of 16 years, and has spent three and a half years in concentration camps. He was a functionary for three weeks at Belsen before the liberation. He was arrested by the British on the 1st July 1945. He was brought up in a concentration camp. He grew to be a man in a concentration camp, and that, in my submission, deserves great consideration by the court.

The next accused Taturaf has again been in a concentration camp as a young man and has remained as an internee for four and a half years. He was a functionary for about a year out of which seven days only were spent at Belsen. He was arrested by the British on the 17th August 1945.

The third man is Ostrowski. He has been an internee in different concentration camps for three years. For a short time he was a functionary and he was at Belsen for seven days only. He was arrested by the British on the 5th June 1945.

Kosner was an internee for a period of just under five years, and she has held a position at Belsen for not longer than two months. She is married and has two sons. She was arrested by the British on the 6th June 1945. In her case I think I am justified in submitting to you that you should accept what Starotska has said about

her although she is an accused herself. In my submission it is a very sensible and human statement. "In my opinion" - she says - "Kopper was the last suitable person for a job of blockaltester, because of the great sufferings and great hardships she had to endure during her long stay in concentration camps she was in a state of complete exhaustion and on the verge of a nervous breakdown. She was aware of it and tried to change this job".

The last accused, Starotska, has been in concentration camps since 1942, but before that she was sentenced to death and kept in prison by the Gestapo for a period of two years. This sentence and her stay in prison until the sentence was commuted must have been in itself a great mental and physical strain for a girl of 23 years of age. The court have heard her story, but I feel I must remind the court of what the prosecution witness Bialko said. "When Starotska came to Belsen quite a number of prisoners expressed the wish that they would prefer her to be lageraltester instead of the old one". This statement comes from an educated person and must bear the full weight of its meaning. In my submission in this case it is of paramount importance. Does it not prove that whatever happened at Auschwitz, there were a number of women and girls at Belsen looking forward and hoping that Starotska might again improve the conditions in some way or another?

Starotska was arrested by the British on the 31st July 1945. In my submission, the court must view those men and women and their actions in the right light. Consider what life was like in these concentration camps.

I should like, with your permission, to quote an extract from Mr. Le Drullmanec's testimony: "May I add that guards in the concentration camp - I am talking in general when I say this - are brutish and the prisoners in time become brutish and such a thing as human kindness is quite unknown in such a place". That is the background against which these men and women must be regarded. They have all suffered for many many months these brutal methods until they themselves became that way when they got some authority. In my submission the court must accept that they did what they are now held responsible for owing to the surrounding circumstances.

What these accused ask you, sir, is to give them an opportunity for re-education and rehabilitation.

THE PRESIDENT: I wish to be perfectly sure that the defending officers have not witnesses they wish to call.

MR. CL. GRANFIELD: That is so, sir. There are no witnesses.

THE PRESIDENT: The court will now sit in closed court to consider the sentence. I wish to make it perfectly clear that any sentences which may be awarded by this court are subject to confirmation by superior military authority. The procedure will be the same as yesterday. The court house will be closed to the public and to the press. The court will not recess before 1600 hours.

(At 10.10 hours the Court continues to sit in Closed Court)

(At 13.16 hours the Court adjourns)

(At 14.05 hours the Court re-assembles in Closed Court)

(At 16.45 hours the Court re-opens in Open Court)

THE PRESIDENT: Bring in the accused.

(The Accused: Kramer, Klein, Weingartner, Hoessler, Francioh, Pichen, Stofel, and Dorrare brought before the Court)

THE PRESIDENT: No.1, Kramer, No.2. Klein, No.3 Weingartner, No.5 Hoessler, No.16 Francioh, No.22 Pichen, No.25 Stofel, No.27 Dorr. The sentence of this Court on each of you whom I have just named is that you suffer death by being hanged.

(The above named accused leave the Court)

(The Accused: Norman Volkenrath, and Grese are brought before the Court)

THE PRESIDENT: No.6 Norman, No.7 Volkenrath, No.9 Grese. The sentence of this Court is that you suffer death by being hanged.

(The above named accused leave the Court)

(The Accused: Zoddol is brought before the Court)

THE PRESIDENT: No.29, Zoddol. The sentence of this Court is that you be imprisoned for life.

(The above named accused leaves the Court)

(The accused: Kulasson, Schreiner and Ostrowski are brought before the Court)

THE PRESIDENT: No. 19 Kulasson, No.26 Schreiner, No.31 Ostrowski. The sentence of this Court is that you be imprisoned for fifteen years.

(The above named accused leave the Court.

(The Accused: Ehlert and Kopper are brought before the Court)

THE PRESIDENT: No.3 Ehlert, No.40 Kopper. The sentence of this Court is that you be imprisoned for fifteen years.

(The above named accused leave the Court)

(The Accused: Aurdzieg is brought before the Court)

THE PRESIDENT: No.32 Aurdzieg. The sentence of this Court is that you be imprisoned for ten years.

(The above named accused leaves the Court)

(The Accused: Lobauer, 33 Ilse Forster, Bothe, Haschke, Sauer, Roth, Hempel, Starotska are brought before the Court)

THE PRESIDENT: No.11 Lobauer, No.33 Ilse Forster, No.37 Bothe, No.39 Haschke, No.41 Sauer No.43 Roth, No.44 Hempel, No. 45 Starotska. The sentence of this Court is that you be imprisoned for ten years.

(The above named accused leave the Court)

(The Accused: Burgraf is brought before the Court)

THE PRESIDENT: No. 20 Burgraf. The sentence of this Court is that you be imprisoned for five years.

(The accused leaves the Court)

(The Accused: Fiest, is brought before the Court),

THE PRESIDENT: No. 40 Fiest. The sentence of this Court is that you be imprisoned for five years.

(The above named accused leaves the Court)

(The accused: Walter is brought before the Court)

THE PRESIDENT: No. 38 Walter. The sentence of this Court is that you be imprisoned for three years.

(The above named accused leaves the Court)

(The accused: Lisiewitz is brought before the Court)

THE PRESIDENT: No. 42 Lisiewitz; The sentence of this Court is that you be imprisoned for one year.

(The above named accused leaves the Court)

THE PRESIDENT: I should like to say this to the defending officers. This has been a very long trial. To my mind there are two great principles of British justice which I will give you quite simply.

The first principle is that any man who is arraigned on a charge is entitled to hear in a language he can fully understand all that is said in evidence both for and against him in open court. The second, I think, is that any man or woman who is similarly placed in peril is entitled to give evidence on his or her behalf, and to call witnesses both as to fact and, if necessary, as to character.

With forty-five accused who do not speak a common tongue among themselves, the observance of those two principles is bound to be a long procedure, and it is intensified when, as happened in this case, ~~with~~ witnesses in the Court who do not speak either of the languages of the accused or English.

You defending officers were ordered on account of your legal qualifications to act in defence of the accused. Except for certain Polish accused, the accused have all asked to be represented by British defending officers. There is no need for me to remind you that it is the basis of all discipline that an officer not only accepts orders unquestionably, but carried them out to the very best of his ability. This Court has been fully sensible of the fact that you have done that, and that there has been no idle defence brought forward by you on behalf of the accused.

Although - and I think this is to your credit - you have spent the last five years fighting and have not been studying on applying the law, this Court does feel that you have endeavoured to bring forward every single argument that could fairly be considered on behalf of the persons whom you have been defending.

That action, when carried out by no less than twelve defending officers, has again of course naturally lengthened the period of this trial. The Court cannot but hope that the fact that you yourselves were not seeking a cheap notoriety but were officers not only obeying orders, as of course you must, but obeying them to the full limit of your own knowledge and ability even, I understand, at considerable inconvenience to yourselves (since the Court has been told that some of you by doing so have passed your release dates) ~~therefore the~~ Court feels that that fact should be most widely known, not only to the public, but to your friends and to your future clients.

Now, subject to any order which the Convening Officer might see fit to issue regarding the reassembly of this Court, this Court at 17.10 hours on the 17th November 1945 finally closed.

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